

Application Number 09/927,920  
Responsive to Office Action mailed October 11, 2006

### REMARKS

This amendment is responsive to the Final Office Action dated October 11, 2006. Applicant has amended claim 81. Claims 1-87 are pending, with claims 16-51, 61-67, 79, 80, and 84-87 having been previously withdrawn.

### Claim Rejection Under 35 U.S.C. § 103

In the Final Office Action, the Examiner rejected claims 1-4, 7-15, 52, 54-56, 58-60, 68-78, and 81-82 under 35 U.S.C. 103(a) as being unpatentable over Jorgenson (US 2002/0095232) in view of Thorvaldsson (US 2002/0004366). Applicant respectfully traverses the rejection to the extent such rejections may be considered applicable to the claims as amended. The applied references fail to disclose or suggest the inventions defined by Applicant's claims, and provide no teaching that would have suggested the desirability of modification to arrive at the claimed invention.

#### *Claim 1*

Applicants' claim 1 requires a method that includes generating, based on the product movement information, a report identifying commingled products of a similar type that have been stored together into a single lot. As is well known in the art and as used within the specification, the term "lot" refers to a group of one or more units of a product that is stored separately from other lots. Because each lot is stored separately from other lots, each lot maintains an identity that is distinct from the other lots. However, as explained in the present application, when a first lot is stored together (i.e., commingled) with a second lot *into* a single lot, the first lot and the second lot *lose* their separate identities. In other words, claim 1 literally requires that the first lot and the second lot have become *commingled*. For example, if a lot of grain from a first farm is stored together with a lot of grain from a second farm *into* a single lot, the lot of grain from the first farm is no longer separable from the lot of grain from the second farm. Rather, the combined lots represent a new lot. Claim 1 requires the generation of a report that identifies such new lots.

Jorgenson in view of Thorvaldsson does not teach this report requirement of Applicants' claim 1. In the Office Action, the Examiner acknowledges that Jorgenson does not teach these

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elements and cites the abstract of Thorvaldsson to show that Thorvaldsson suggests the report required by Applicants' claim 1. The abstract of Thorvaldsson reads,

The present invention relates to a process and an application for handling information in relation to meat being conveyed through a number of processing stations. The information is used to trace the processing history of a piece of meat, including its origination. The ability to trace the processing history may be used e.g., in order to trace back sources of contamination and for verification of the status and quality, weight etc. of the meat. The information is furthermore useful for the workers processing the meat at stations or useful for the control and management of the meat processing plant.

Because the Examiner cited the abstract of Thorvaldsson, it is apparent that the Examiner interprets the "pieces of meat" of Thorvaldsson to suggest the "products of a similar type" required by Applicants' claim 1.<sup>1</sup> Furthermore, the Examiner cites paragraph 0075 of Thorvaldsson. In the most relevant part, paragraph 0075 of Thorvaldsson reads, "From the database where the information is stored, reports can be generated." It is therefore apparent that the Examiner interprets the "reports" mentioned in paragraph 0075 of Thorvaldsson suggest the report required by Applicants' claim 1. If this were a correct statement of the Examiner's interpretation and Thorvaldsson suggests the report requirement of Applicants' claim 1, then the "reports" of Thorvaldsson would have to somehow identify commingled "lots" of meat that have been stored together *into* a single lot. In other words, to teach or suggest the requirements of claim 1, the "reports" of Thorvaldsson would have to identify "lots" of meat that had been stored together such that the units of meat have lost their individual identities and now are regarded as having a single new identity.

However, Thorvaldsson does suggest a report that identifies units of meat that had been stored together such that the units of meat have lost their individual identities and now are regarded as having a single new identity, i.e., a single lot. In particular, it appears that the Examiner interprets Thorvaldsson to suggest that the "pieces of meat" are "stored together into a single lot" when individual pieces of meat are processed at the same station or by the same worker. The Examiner might draw this conclusion from the abstract of Thorvaldsson, which describes tracing back sources of contamination or from paragraph 0023 of Thorvaldsson. Contamination may be caused when a first piece of meat comes into contact a contaminated

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station, worker, other piece of meat, or otherwise. However, when reviewed in detail, Thorvaldsson provides no solution for tracing products where similar products are *commingled*, i.e., stored together into a single lot, as required by Applicants' claim 1. Rather, Thorvaldsson describes a system in which "pieces of meat" are kept *separate* after the pieces of meat are severed from the animal. See Thorvaldsson, paragraph 0043 ("the following description relates to a meat processing facility wherein the pieces of meat are *transported individually*"). Because the "pieces of meat" are kept separate after the "pieces of meat" are severed from the animal, and each piece is specifically transported individually, each piece of meat *maintains* a distinct identity after the piece of meat is created. That is, the Thorvaldsson system relies on the premise that the "pieces of meat" are kept separate and, therefore, tracks each piece separately. This allows the Thorvaldsson system to identify a source for the individual pieces of meat. Thus, Thorvaldsson does not describe a system in which two "pieces of meat" are "commingled" in a single lot. Directly to the contrary, in Thorvaldsson, the "pieces of meat" are severed from the animal, gain separate identities, and are transported separately. This is true regardless of whether those pieces of meat are contaminated due to contact with a contaminated item.

In contrast, Applicants' claim 1 claims a method of producing a report that identifies products that are commingled into a single lot. By requiring that each piece of meat maintain its own identity and that each piece is transported separately, Thorvaldsson provides no teaching of a system that addresses the problem where similar products are commingled into a single lot. Thorvaldsson does not teach the requirement of generating a report that identifies products commingled into a single lot, as required by Applicants' claim 1.

For at least these reasons, Jorgenson in view of Thorvaldsson does not teach the generation of a report that identifies commingled products, where those products have been commingled into a single lot. Jorgenson in view of Thorvaldsson does not teach generating, based on the product movement information, a report identifying commingled products of a similar type that have been stored together into a single lot. Because neither Jorgenson nor Thorvaldsson teach this requirement of Applicants' claim 1, the Examiner has not set forth a *prima facie* case of obviousness. For this reason, the Applicants respectfully request that the

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<sup>1</sup> The Applicants' find further evidence of this interpretation in the fact that the Examiner cited paragraph 0064 of Thorvaldsson: "For one specific product, e.g., a sirloin, the system knows, e.g., a product ID, the type of cut, the type of animal, slicer ID, boner ID, time of processing, weight and QA-grade..."

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Examiner withdraw the rejection of Applicants' claim 1 and claims 2-15, claims 2-15 being dependent on claim 1.

*Claims 52-60*

Applicants' independent claim 52 requires a computer-readable medium comprising instructions stored thereon causing a programmable processor to present a transportation interface to receive movement information from a transporter of the product including an identification of the transportation device and timing information.

Jorgenson in view of Thorvaldsson fails to teach or suggest presenting a transportation interface to receive movement information from a *transporter* of the product. In rejecting claim 52, the Examiner cites Thorvaldsson at paragraph 0023. However, this paragraph describes recording a time stamp when processing each piece of meat. This time stamp is recorded at the processing station within the processing facility (FIG. 1) that implements the Thorvaldsson system. Thorvaldsson makes no mention of utilizing a lot identification information that identifies a transportation device or a transporter and also includes a time stamp of when a lot was moved, as required by claim 52. Moreover, Thorvaldsson provides no suggestion of an interface by which information may be received from the transporter of the lot.

With respect to claims 55-56 and 58-59, Jorgenson in view of Thorvaldsson fails to disclose an indication of whether a storage facility or a transportation device are clean and empty, and fails to disclose an identification of any lots stored in the storage facility or moved in the transportation device since the last indicated clean and empty status. In rejecting these claims, the Examiner referred to paragraphs 37, 41, and 47 of Jorgenson et al. However, Jorgenson et al. fails to mention indicating a clean and empty status, let alone identifying lots stored in a storage facility since the last indicated clean and empty status.

For at least these reasons, the Applicants request that the Examiner withdraw the rejection of claims 52-60 under 35 U.S.C. 103(a).

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*Claims 68-78*

Applicants' independent claim 68 requires a web server to generate a tracking screen for tracing the movement and storage of the lot based on the database and to identify any commingled products of a similar type that have been stored together into a single lot. As discussed in regards to claim 1, neither Jorgenson nor Thorvaldsson teach or suggest the identification of commingled products of a similar type that have *commingled*, i.e., stored together into a single lot. Because Jorgenson in view of Thorvaldsson fails to teach or suggest this requirement of Applicants' claim 68, the Examiner has failed to state a prima facie case of obviousness under 35 U.S.C. 103(a). For this reason, the Applicants respectfully request that the Examiner withdraw the rejection of claim 68 and its dependent claims 69-78.

*Claim 81-83*

Applicants' independent claim 81 requires generating a report that identifies a location status for each product and any other products of a similar type that have been stored together with the product into a single lot. The above discussion illustrates that neither Jorgenson in view of Thorvaldsson fails to teach the generation of a report that identifies products of a similar type that have been stored together with the product into a single lot. Because neither Jorgenson nor Thorvaldsson teach or suggest this requirement of Applicants' claim 81, the Examiner has failed to state a prima facie case of obviousness under 35 U.S.C. 103(a). For this reason, the Applicants respectfully request that the Examiner withdraw the rejection of claim 81 and its dependent claims 82 and 83.

*Claim 5-6, 53, 57, and 83*

In the Final Office Action, the Examiner rejected claims 5-6, 53, 57, and 83 under 35 U.S.C. 103(a) as being unpatentable over the combination of Jorgenson and Thorvaldsson in view of Shortridge (US 2001/0011437). Applicant respectfully traverses the rejection. The applied references fail to disclose or suggest the inventions defined by Applicants' claims, and provide no teaching that would have suggested the desirability of modification to arrive at the claimed invention. For instance, contrary to the Examiner's assertion, Jorgenson and Thorvaldsson in view of Shortridge does not teach or suggest the generation of a report that

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identifies commingled products, as is required in the independent claims from which claims 5, 6, and 8 depend. Furthermore, Jorgenson and Thorvaldsson in view of Shortridge does not teach or suggest the presentation of a transportation interface, as required in independent claim 52, from which claims 53 and 57 depend.

For at least these reasons, the Examiner has failed to establish a prima facie case for non-patentability of Applicant's claims 1, 15, 51-60, 68-78, and 81-83 under 35 U.S.C. 103(a).  
Withdrawal of this rejection is requested.

### CONCLUSION

All claims in this application are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of all pending claims. Please charge any additional fees or credit any overpayment to deposit account number 50-1778. The Examiner is invited to telephone the below-signed attorney to discuss this application.

Date:

December 5, 2006

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